

BAKER DECLARATION

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE STATE OF WASHINGTON,)
Plaintiff,)
vs.) No. 3:17-cv-05806-RJB
THE GEO GROUP, INC.,)
Defendant.)

30(B)(6) DEPOSITION UPON ORAL EXAMINATION
OF GEO GROUP, INC.
IN THE PERSON OF
RYAN KIMBLE

9:50 a.m.
July 9, 2018

1250 Pacific Avenue 105
Tacoma, Washington 98401-2317



REPORTED BY: JACQUELINE L. BELLOWS, CCR 2297



APPEARANCES

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1 were to change classification and because of their
2 classification levels weren't able to do the same type
3 of -- the same type of work or the same type of
4 activity, then -- but all the activities whenever the
5 detainee wants to stop, they sign in a form that is a --
6 basically a form that says: I don't want to do this
7 anymore. And they turn it in. And they no longer --
8 they're no longer going out to do that activity.

9 Q. Are there grounds for which Geo employees will
10 terminate a detainee-workers' participation in the
11 Voluntary Work Program?

12 MS. MELL: Object to the form of the question.

13 A. Like I said, the only way Geo would do
14 anything is if they changed their classification levels.

15 (Deposition Exhibit No. 2 marked for
16 identification.)

17 Q (By Ms. Baker) You've been handed a document
18 that's marked as Exhibit 2. It's named "Geo Corrections
19 Northwest Detention Center Policy and Procedure Manual
20 No. 5.1.2." This one has an effective date of
21 4-13-2015. Are you familiar with this document?

22 A. Yes, ma'am.

23 Q. Can the me what this document is.

24 A. This is our policy and procedure for the
25 Voluntary Work Program.



1 Q. Is this the effective version of the -- of
2 this policy?

3 MS. MELL: Object to the form of the question.

4 Q (By Ms. Baker) Do you know whether this policy
5 has been updated since 4-13-2015?

6 A. As far as I know, no.

7 Q. Can we please turn to page 4.

8 A. (Witness complies.)

9 Q. Take a minute to read section 'M', which is
10 entitled "Removal of Detainee from Work Detail."

11 A. (Witness complies.)

12 MS. MELL: I'm just going to put on the record
13 that this doesn't appear to be a signed version policy,
14 which I believe we did produce. So I'm going to object
15 to the use of the unexecuted policy.

16 Q (By Ms. Baker) This is Bates stamped Geo
17 State. So I'm asking you to look for the Bates range
18 3454 to 3455, Subsection M.

19 A. Subsection M?

20 Q. Uh-huh.

21 MS. MELL: What's the question?

22 MS. BAKER: I'm asking him to read Subsection
23 M. And I was identifying the Bates range Subsection M
24 covers.

25 MS. MELL: Okay.



1 A. This would be exactly what I was saying. If
2 they were to change classification levels or have an
3 infraction for -- that would change a classification
4 level or an infraction would keep them from being able
5 to perform that duty. That's just regular operating
6 procedure for any facility.

7 Q (By Ms. Baker) So Subsection M, which is
8 "Removal of Detainee from Work Detail," Subsection 1
9 under 'M' says "unsatisfactory performance."

10 A. There's no work performance review.

11 Q. This is in a Geo policy as one of the bases
12 for removal from -- a detainee from the Voluntary Work
13 Program. Can you give me information about what
14 "unsatisfactory performance" means under Subsection 1 of
15 this document?

16 A. The only unsatisfactory performance that I
17 could think of is if they were to change classification
18 because we don't do a performance evaluation. The Geo
19 does not do a performance evaluation of the detainee.

20 Q. But it is in your policy to terminate
21 detainee-workers from Voluntary Work Program if they
22 have unsatisfactory work performance; is that correct?

23 A. This is -- it's there. But it was -- this,
24 this policy was lifted directly from INS ICE's policy on
25 the detainee work program.



1 Q. But this is your policy?

2 A. This is our policy that mirrors -- this is
3 Geo's policy that mirrors ICE's policy because this
4 program is ICE's Voluntary Work Program and we are bound
5 by all the rules and regulations for ICE.

6 Q. So Geo does terminate detainee-workers from
7 the Voluntary Work Program for unsatisfactory
8 performance?

9 A. No.

10 Q. Let's move on from that exhibit.

11 Is there a list of every position a detainee
12 can perform in the Voluntary Work Program?

13 A. Yes.

14 Q. Where would I find that list?

15 A. I think it was provided with the papers for
16 the facility. The facility provided it. It is the --
17 if understand right, it will say kitchen and/or it will
18 say laundry. It will say housing unit, pod porter. I
19 don't know if they use the word "pod porter." That's my
20 previous work coming through. Pod cleaner.

21 (Deposition Exhibit No. 3 marked for
22 identification.)

23 MS. MELL: I'm going to offer Exhibit 3 as a
24 uniform exhibit. There's no -- it's several different
25 documents. It's not a list. But other than that, I



1 it's -- I think the number on it is like a G -- it's a
2 government form. It's a G something, G like 412 or
3 something to that effect.

4 Q. And you indicated that the backup paperwork
5 that includes detainee-specific information has
6 detainee -- the detainee-workers' names?

7 A. And their A number.

8 Q. Does it also have the number of days they
9 worked per month?

10 A. No. It is by day. So every time that they
11 have signed that paper, their name appears on the list.
12 That's why, if there's 31 days in the month, however
13 many workers throughout that day will be a list of the
14 first, the second, the third, the fourth, the fifth, all
15 the way through.

16 Q. Does it also include locations where a
17 detainee has worked?

18 A. Yes.

19 Q. Is there any -- how are these documents
20 maintained? Is there a program that Geo utilizes to
21 maintain this information?

22 MS. MELL: Object to the form of the question.

23 A. There is the detainee trust fund, which is
24 purely the detainee's money. And that trust fund is
25 pooled into one account. And the facility uses the



1 Keefe Banking System to electronically divvy out, so you
2 know exactly to the penny per day, whose money is whose
3 because we'll get -- when detainees come in, they come
4 off the street with money. Or they have family members
5 that put money on their account. That money is put in
6 there. That is the banking system that's used to
7 delineate account balances.

8 Q (By Ms. Baker) So you call it the "Keefe
9 Banking System"?

10 A. K-E-E-F-E, Keefe Banking System is what the
11 facility uses.

12 Q. If you needed to run a report through the
13 Keefe Banking System to identify the number of
14 individuals who participate in the Voluntary Work
15 Program in a particular month, can you do that?

16 A. There's no way to do that. The only way to do
17 it is in the backup that was sent to COR because it's an
18 electronic entry each day from the previous day, saying
19 that they were there. So there's an electronic entry
20 that goes in the form. But there's no way you can
21 run -- I mean you could run it per person. You could
22 show any entries that have happened on a particular day
23 that person.

24 Q. Are you able to run reports and get aggregate
25 numbers through this system, through the Keefe Banking



1 System, aggregate numbers as in X number of people
2 participated in the Voluntary Work Program this day or
3 this week?

4 A. No, ma'am.

5 Q. Are there any other programs that Geo utilizes
6 to maintain information regarding the Voluntary Work
7 Program and participation in the program?

8 A. No, ma'am. Not that I know of. Like I said,
9 the only thing that is used is when they sign into the
10 Voluntary Worker sheet for the day. That's what is used
11 to key in the dollar that is produced.

12 (Deposition Exhibit No. 6 marked for
13 identification.)

14 Q (By Ms. Baker) You have been handed a document
15 that's marked Exhibit 6. And unfortunately, it did
16 not -- this was produced natively. And it's Geo 19285,
17 I believe, is the Bates number. It's not one of the
18 confidential documents that you produced.

19 Are you familiar with this document?

20 A. No, ma'am, not really. No.

21 Q. You've never seen this document or any
22 document like it?

23 A. This could be something that classification
24 used. That's nothing that would be part of my bill or
25 part of the -- part of Geo's bill, I should say, not my.



1 flow of it because this is how it's presented to me.

2 Okay. So I guess I have to restate that. I
3 guess technically this would be part of the Keefe
4 Banking System 'cause I think that's where it's put in
5 because every day, like I said, we get the worker
6 sheets -- not the worker sheets -- the sheets where
7 they've signed that they participated. And then we get
8 those. Then the next day, we have a person that
9 manually puts in each one of them to the system to show
10 that they were part of that opportunity and to manually
11 put in the dollar that is mandated by ICE.

12 So I guess technically, I guess it is pulled
13 out of the Keefe Banking System. It has to be because
14 it is an Excel spreadsheet that has the detainees' A
15 number, their name, the date, the location of work, and
16 where it shows the \$1.00. So I have to restate that.
17 So yeah, apparently it does 'cause, now I'm thinking
18 about it, it has to come out there because of the manual
19 entries that we do. But -- sorry. Go ahead.

20 Q. Okay. How long have you had the Keefe Banking
21 system?

22 A. It's been longer there than I've been there.
23 I couldn't tell you the exact start of date of it. It's
24 been there beyond five years.

25 Q. Earlier you indicated that all of the records



1 A. Yes, pursuant to their guidelines for records
2 retention.

3 Q. Great. Thank you.

4 MS. MELL: Move to strike.

5 Q (By Ms. Baker) Guidelines for the record
6 retention, how far back does Geo records retention
7 policy go, regarding the bill, the monthly bills, that
8 go to ICE that have to do with the Voluntary Work
9 Program?

10 MS. MELL: Object to the form of the question.

11 Q (By Ms. Baker) You can answer the question.

12 A. I'm not over the records retention. I
13 couldn't speak coherently to the records retention
14 policy. We have a person that handles records
15 retention.

16 Q. Who's the person who does the records
17 retention, who's over records retention for the
18 Northwest Detention Center?

19 A. His name is Steve Miskimns, M-I-S-K-I-M-N-S.

20 Q. Is there a particular Geo employee that
21 maintains the Keefe database, the Keefe Banking System?

22 A. It's maintained by the business office. So
23 there's not a single person. It was maintained by the
24 associate warden before me. It was -- I don't know
25 exactly when that system was put in. But as long as



1 I've been there. And I can speak from 2012 on, it's
2 been in that system.

3 Q. When you say the "business office" maintains
4 the Keefe system, do you mean that the business office
5 is responsible for inputting information regarding
6 detainees' participation in the Voluntary Work Program?

7 A. They put -- they key in the dollar per day for
8 the ICE program per the sheet that was signed by the
9 detainees, yes.

10 Q. I think we are going to -- I want to ask this
11 question directly. I think you somewhat answered it,
12 but I want to make sure.

13 Does Geo maintain records showing how many
14 hours detainee-workers worked in the Voluntary Work
15 Program?

16 A. No, ma'am. It's -- sorry. Go ahead.

17 Q. But Geo does have assumptions regarding how
18 many ho -- how much time each position takes, each
19 assigned task in the Voluntary Work Program takes; is
20 that correct?

21 MS. MELL: Object to the form of the question.

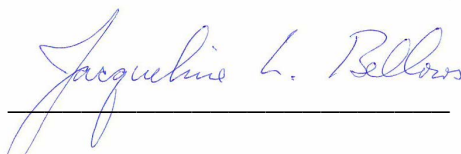
22 A. No. They don't have assumptions for each
23 individual task, for the time per task. It's just an
24 assumption for the amount of time. But that has nothing
25 to do with the amount of time. It would actually have



REPORTER'S CERTIFICATE

I, JACQUELINE L. BELLOWS, the undersigned
Certified Court Reporter pursuant to RCW 5.28.010 authorized
to administer oaths and affirmations in and for the State of
Washington, do hereby certify that the sworn testimony
and/or proceedings, a transcript of which is attached, was
given before me at the time and place stated therein; that
any and/or all witness(es) were duly sworn to testify to the
truth; that the sworn testimony and/or proceedings were by
me stenographically recorded and transcribed under my
supervision, to the best of my ability; that the foregoing
transcript contains a full, true, and accurate record of all
the sworn testimony and/or proceedings given and occurring
at the time and place stated in the transcript; that a
review of which was requested; that I am in no way related
to any party to the matter, nor to any counsel, nor do I
have any financial interest in the event of the cause.

WITNESS MY HAND AND DIGITAL SIGNATURE this
27th day of July, 2018.



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